

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD LEE ROGERS, SR.,)	
)	
Petitioner,)	
)	
v.)	1:13CV547
)	
STATE OF NORTH CAROLINA,)	
)	
Respondent.)	

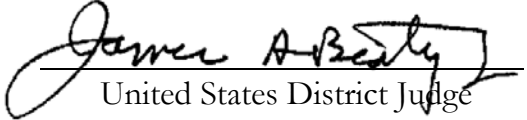
ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 18, 2013, was served on the parties in this action. Plaintiff objected to the Recommendation. [Doc. # 4.]

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Petition be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition. A Judgment will be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.


United States District Judge

August 26, 2013